CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

OCTOBER 19, 2004

INVOCATION:
Captain Eric Bradley of the Salvation Army gave the Invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Orach led the pledge of allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino.

STAFF MEMBERS PRESENT:
Assistant City Manager Haydon, Interim City Attorney Stockton, Director of Administrative Services Snodgrass, Director of Public Works Karp, Police Chief Macagni, Director of Utilities Chisam, Fire Chief Ortiz, Director of Recreation and Parks Posada, City Engineer Sweet, Planner III Shipsey, Business Services Supervisor Reyburn, Management Analyst van de Kamp, and Chief Deputy City Clerk Perez.

RESOLUTION – ST. JOSEPH HIGH SCHOOL
Councilmember Patino read a resolution commending St. Joseph High School for 40 years of service to the community.

Resolution No. 2004-194 was adopted on motion by Councilmember Mariscal, second by Councilmember Orach, and carried on the following vote:

AYES:	Councilmembers Mariscal, Orach, Patino, Trujillo, Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution No. 2004-194 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, CONGRATULATING ST. JOSEPH HIGH SCHOOL UPON THE CELEBRATION OF ITS 40TH ANNIVERSARY.

Councilmember Patino presented the resolution to Joseph Meyers, Principal of St. Joseph High School.

VOLUNTEER OF THE MONTH:
Councilmember Mariscal presented a gift to Eleanor McGregor as the October 2004 Recreation and Parks Volunteer of the Month for her time and dedication as a valued member of the Autumn Arts Grapes and Grains Festival Committee for the past nine years.

PROCLAMATION – ROBIN VENTURA
Mayor Lavagnino read a proclamation commending and congratulating Robin Ventura as he retires after a distinguished 16-year career as a professional baseball player. Mayor Lavagnino presented the proclamation to Robin Ventura together with a Key to the City of Santa Maria, and a colored rendering of the future "Robin Ventura Youth Baseball Training Field" to be located at Rotary-Centennial Park in the Bradley Square Development.

CONSENT CALENDAR
Councilmember Mariscal pulled Item 2I for discussion.

Councilmember Mariscal announced that Item 2I was an ordinance establishing new speed limits for 9 locations within the City. He asked Chief Macagni to read the 9 locations so that citizens would be aware of the reduced speed limits.

Chief Macagni indicated that the majority of traffic accidents within the City were caused by excessive speed. This ordinance was a positive step in trying to reduce the number of traffic accidents. He read the 9 locations and the new speed limits:

1) Blosser Road between Donovan Road and Stowell Road - 40 miles per hour;
2) Blosser Road between Stowell Road and Betteravia Road - 50 miles per hour;
3) Boone Street between Miller Street and College Drive - 35 miles per hour;
4) College Drive between McCoy Lane and Sunrise Drive - 40 miles per hour;
5) Depot Street between Fesler Street and Stowell Road - 30 miles per hour;
6) Industrial Parkway between Fairway Avenue and Skyway Drive - 40 miles per hour;
7) West Stowell Road between Hanson Way and Blosser Road - 40 miles per hour;
8) West Stowell Road between Blosser Road and Depot Street - 40 miles per hour; and
9) Stowell Road between Miller Street and Bradley Road - 35 miles per hour.

Consent Calendar Items A through N were accepted and approved with the indicated action on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar will be adopted by the same vote cast at the first reading unless City Council indicates otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of October 5, 2004, were approved as submitted.

C. BOND RELEASE
Council accepted as complete certain off-site public improvements and authorized the release of the Faithful Performance Bond for North Preisker Ranch, Tract 5764, Phase 2, in the amount of $103,042.28, with the order that the Contractor, Labor and Material Bond be held until April 2005 and the Planting and Irrigation Maintenance Bond be held until October 2005.

D. AMENDMENT TO THE CONTRACT
Resolution of Intention No. 2004-195 was adopted stating the Council's intent to amend the CalPERS Contract for Local Fire Members, and Ordinance No. 2004-16 was introduced by title only for first reading and continued to the meeting of November 16th for second reading and adoption authorizing an amendment to the contract between the City Council of the City of Santa Maria and the Board of Administration of the California Public Employees' Retirement System for Section 21363.1 (3% at 55 Full Formula) for Local Fire Members.

Resolution No. 2004-195 adopted. A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL CITY OF SANTA MARIA.

Ordinance No. 2004-16 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF SANTA MARIA AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

E. WARRANTS
Warrant Nos. 115659 to 115928 in the amount of $1,455,435.00 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 114870, 114915, 114983, 115025, 115126, 115138, 115212, 115382, 115404, 115097, 115509, 115509, and 115670 were cancelled.

F. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads as shown on records on file in the Administrative Services Department and having been approved for payment by the Director of Administrative Services.

G. MULTIPLE REPRESENTATION LETTER
Authorization was granted for the Mayor to execute a representation letter from Craig S. Granet, Esq. consenting to multiple representation for Pierce et al. v. Santa Barbara County Association of Governments (SBCAG) et al.

H. MULTI-HAZARD FUNCTIONAL PLAN
Resolution No. 2004-196 was adopted approving the 2004 Update of the Multi-Hazard Functional Plan for the City of Santa Maria.

Resolution No. 2004-196 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING THE 2004 UPDATED MULTI-HAZARD FUNCTIONAL PLAN.

I. TEMPORARY SEAT OF CITY GOVERNMENT
Resolution No. 2004-197 was adopted designating the Abel Maldonado Youth Center as the Temporary Seat of City Government for the City of Santa Maria should the Council Chambers be unavailable due to a disaster.

Resolution No. 2004-197 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, DESIGNATING THE ABEL MALDONADO YOUTH CENTER AS THE TEMPORARY SEAT OF CITY GOVERNMENT WHEN CITY HALL IS UNAVAILABLE DUE TO DISASTER OR OTHER REASON.

J. ABC LICENSE
Council noted and filed a Notice from the California Department of Alcoholic Beverage Control of an application for an Alcoholic Beverage License in an existing warehouse for Monsoon Cellars located at 2717 Aviation Way.

K. ABC LICENSE
Council noted and filed a Notice from the California Department of Alcoholic Beverage Control of an application for an Alcoholic Beverage License in an existing business (person to person transfer) for 7 Star Food Store located at 1218 S. Blosser Road.

L. SPEED LIMITS
Council conducted the second reading of Ordinance No. 2004-15 establishing new SPEED LIMITS for nine road segments in the City, and adopted the ordinance.

Ordinance No. 2004-15 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING CHAPTER 7-4, SPEED LIMITS, OF THE SANTA MARIA MUNICIPAL CODE.

M. VEHICLE WEIGHT LIMIT RESTRICTIONS
Council introduced an ordinance by title only for first reading and continued it to the next meeting for second reading and adoption amending Section 7-8.04 of the Municipal Code to establish vehicle weight limit restrictions on Taylor Street from Broadway (State Route 135) to Blosser Road pursuant to Section 35701 of the California Vehicle Code.

Ordinance No. 2004-17 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA AMENDING CHAPTER 7-8, VEHICLE WEIGHT LIMIT, OF THE SANTA MARIA MUNICIPAL CODE.

N. THE VILLAGE, TRACT 5846
Resolution No. 2004-198 was adopted approving the subdivision map and agreement for The Village, Tract 5846, generally located south of the Santa Maria River, east of US 101 and the Bradley Channel, and north of Sunburst Estates II, Tract 5253.

Resolution No. 2004-198 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE SUBDIVISION MAP AND AGREEMENT FOR THE VILLAGE, TRACT 5846.

PUBLIC COMMENT
Teresa Menchaca and members of the Fighting Back Santa Maria Valley Youth Coalition spoke about their efforts to inform and educate youth about drug and alcohol abuse.

Ernest Armenta spoke about Mayor Lavagnino's track record as a Councilmember and Mayor and what he would do if elected.

Salvador Gascon expressed concern that none of the incumbents had attended the League of Women Voters Forum and talked about arrogant leaders at all levels of government.

Dr. Glenn Prezkop spoke about the benefits of fluoridation and against Measure W.

Dr. Henry Arataki spoke about the benefits of fluoridation for children and against Measure W.

Sharon Henning spoke about the benefits of fluoridation for the elderly and against Measure W.

Dr. Mathidle Houser spoke about the benefits of fluoridation for the Hispanic population of the City and against Measure W.

Joyce Lippman, Area Agency on Aging, spoke about the benefits of fluoridation for the elderly and against Measure W.

James Watson spoke about the dangers of fluoridation and in favor of Measure W.

Hector Gonzalez spoke about the benefits of fluoridation and against Measure W.

WATER CONSERVATION PLAN
Director of Utilities Chisam gave the staff report. The City created the Water Conservation Specialist position in July 2000 and began implementing programs concerning water efficiency. The City has established itself as a partner in a collaborative forum where local water agencies and environmental partners work together to advance water conservation throughout the area. This collaboration has been an important contribution to urban water conservation. As an active participant in water conservation education, the City created a plan endorsing Best Management Practices (BMPs) and conservation activities that enhance the planning and management of City water resources for the long term. The California Urban Water Conservation Council (CUWCC) was created to increase efficient water use statewide through partnerships among urban water agencies, public interest organizations, and private entities. A Memorandum of Understand (MOU) was signed by nearly 100 urban water agencies and environmental groups in December 1991. Since then the CUWCC has grown to over 310 members. Those signing the MOU pledge to develop and implement 14 comprehensive conservation BMPs. The City's Water Conservation Plan and program encourages the efficient use of water and fulfills the water purveyor's obligations to educate customers and implement BMPs outlined in the statewide urban MOU that is administered by the CUWCC. Signatory agencies have 10 years to fully implement their water conservation plans. Many of the programs outlined in the City's Water Conservation Plan are currently being successfully implemented. Continued implementation of the water conservation program yields appreciable and measurable benefits to the City, other water agencies, communities and our natural environment.

Ernest Armenta stated conserving water was a good thing, and this looked like a good plan.

Resolution No. 2004-199 was adopted on motion by Councilmember Orach, second by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2004-199 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE WATER CONSERVATION PLAN AND AUTHORIZING STAFF TO PURSUE MEMBERSHIP AS A SIGNATORY OF THE CALIFORNIA URBAN WATER CONSERVATION COUNCIL.

REPORT BY CITY MANAGER

Assistant City Manager Haydon reported on items for the November 2, 2004, City Council meeting including public hearings for a zoning text amendment related to mixed uses, and an ordinance establishing a supplemental water charge for Cal Cities Water Company customers.

ANNOUNCEMENTS

Mayor Lavagnino announced that Larry Kunz, "King of Aces" celebrated his 2,100th hole-in-one at his home course.

Mayor Lavagnino also reported that he had received a very nice thank you card from Eddie Beebe for the Council's recognition of his wife.

ORAL REPORTS OF COUNCILMEMBERS AND OFFICERS

Councilmember Trujillo reported that he had received numerous telephone calls from citizens concerned that if the City fluoridated the water, water rates would increase. He said he wanted to assure everyone that water rates would not increase if the City began fluoridation of the water supply.

Mayor Lavagnino reported on a trip to Sacramento with Chamber of Commerce Executive Director Bob Hatch to meet with Senator Jack O'Connell and representatives of a Swedish software company interested in locating in California. The company representatives will be making a trip to Santa Maria, and it would be a real feather in Santa Maria's cap if this company decided to locate in the City.

Councilmember Patino reported on the first few days of Peace Week activities including the opening ceremonies on Friday, October 15th and the Community Breakfast on Monday, October 18th with keynote speaker Judith Meisel, a holocaust survivor. She encouraged Councilmembers and the public to take part in the remaining activities through Saturday, October 23rd.

Councilmember Mariscal reported on the community workshop held by the Community Development Department to gain public input on the Housing Element modifications necessary to get the City's Housing Element approved by the State. He also thanked Mayor Lavagnino and City Manager Ness for attending Fairlawn Elementary School and for the City partnering with the students to refurbish the play ground at the school which served as a neighborhood park.

Councilmember Mariscal indicated that several months ago Comcast representatives had made a presentation to the Council regarding the system upgrade. At that time, he had asked what Comcast was doing about customers who needed modifications to their homes in order to receive the new digital signal. He asked for a report from Comcast on how that was progressing and if Comcast was getting inquiries and notifying people that the retrofit would be done at no charge to the customer.

Assistant City Manager Haydon explained that the City was in contact with Comcast on a weekly basis and would request that information from Comcast.

Mayor Lavagnino urged voters to get out and vote in the November 2nd Election.

CLOSED SESSION
The City Council adjourned to Closed Session at 7:31 p.m. for Conference with Legal Counsel regarding existing litigation pursuant to Subsection (a) of Government Code Section 54956.9 to discuss Santa Maria Valley Water Conservation District v. City of Santa Maria; Conference with Labor Negotiator pursuant to Government Code Section 54957.6, Agency representative: Assistant City Manager, Employee organization: Service Employees International Union (SEIU), Local 620; and Public Employee Appointment pursuant to Subsection (e) of Government Code Section 54957 for the City Attorney position.
After the Closed Session, the following was announced:

Santa Maria Valley Water Conservation District v. City of Santa Maria – Status report.

Conference with Labor Negotiator re: SEIU – Direction given to Labor Negotiator.

Public Employee Appointment – Council approved the appointment of Gilbert Trujillo as the new City Attorney.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned at 8:52 p.m. by order of Mayor Lavagnino.

APPROVED November 2, 2004
Date

Patricia A. Price
Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST: Patricia A. Price
Chief Deputy City Clerk

S. E. Lavagnino
Mayor of the City of Santa Maria